

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Relay)	
Services and Speech-to-Speech)	CC Docket No. 98-67
Services for Individuals with)	
Hearing and Speech)	
Disabilities)	
)	
Americans)	CG Docket No. 03-123
With Disabilities Act of 1990)	
)	
)	

**REPLY COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF, INC.,
THE AMERICAN ASSOCIATION OF PEOPLE
WITH DISABILITIES, NATIONAL ASSOCIATION OF THE
DEAF, DEAF & HARD OF HEARING CONSUMER ADVOCACY NETWORK,
ASSOCIATION OF LATE-DEAFENED ADULTS, AND
SELF HELP FOR HARD OF HEARING PEOPLE**

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SUMMARY

Nearly every party filing comments supports placing TRS on at least the same National Security and Emergency Preparedness priority as applied to local exchange carriers or other telecommunications service offered to the general public. To the extent that further guidance is necessary, it can be provided through operational plans developed by TRS providers, state regulators and emergency agencies.

The Coalition notes that the security of IP relay calls appears to be an area where current efforts are working, and additional regulation may dampen technological innovation. Thus, at this time, and consistent with its treatment of nascent technologies, the Commission should encourage improved options and provide flexibility for vendors to meet the current and future needs of their users.

The appropriate routing of emergency TRS calls is not currently technically feasible because wireless carriers, TRS providers and Public Safety Answering Points (“PSAPs”) are not currently required to provide such routing. Functional equivalency mandates that all parties work together to determine whether and how such routing can be accomplished. At a minimum, the Commission should require wireless carriers to provide E911 location information to TRS providers and require TRS providers to implement any technology or operational changes necessary to receive such data.

Contrary to the comments of several parties, reliance upon the belief that all PSAPs are TTY capable does not solve the problem or provide functional equivalency. First, unlike voice callers who can be fairly confident that an emergency call will be answered by the nearest PSAP, a deaf person cannot be certain that dialing 911 will in every instance connect them with a PSAP that is TTY capable or that will be located in sufficient proximity to the caller to provide prompt

emergency service. Second, unlike voice telephone users who are familiar with 911 service, many people with speech or hearing disabilities are accustomed to dialing 711 in every instance to reach a TRS provider to place a call. Finally, the fact that TTY requires manual input by the caller creates an inherent delay and the potential for miscommunication in the event of an emergency. A requirement that E911 information be automatically transmitted from the deaf caller to either the TRS provider or the PSAP would eliminate these concerns.

The Coalition urges the Commission to require non-shared language translation and to reject arguments that it is not a functionally equivalent service. Many people requiring the use of TRS communicate with American Sign Language (“ASL”) and not with English, Spanish, or any other spoken language. As HOVRS stated, a “shared language” does not exist when using ASL in combination with a spoken language. Moreover, a significant need arises for Spanish TRS translation because Spanish is the second most widely spoken language in the United States, and its use by businesses and governments is increasing. Therefore, the Commission should allow TRS translation for ASL or English to a non-English language or between non-shared languages generally and should reimburse non-shared language translation service under the Interstate TRS Fund.

The Coalition concurs with those comments that urge the Commission to require that where a service such as CART is technically feasible and makes TRS more functionally equivalent, it should be utilized. In addition, Commenters believe that because CART does provide an increase in the real-time nature of TRS calls, the Commission should encourage the use of CART as well as future technologies designed to do the same.

The comments generally agree interrupt functionality should be made accessible where technically available. Thus, Commenters recommend that the Commission require interrupt functionality where it is technically feasible.

The Commission should require that TRS users have access to the full range of telecommunications features unless a particular feature is not technically feasible. Where parties claim that barriers exist to the provision of a particular feature, the Commission should consider whether these barriers are technical or whether TRS providers require additional information from local exchange carriers (“LECs”) to use the feature. Where such barriers do not exist, LECs should be required to take those actions that are technically feasible to promote access to the full range of telecommunications features.

The Coalition reiterates its request that the Commission encourage any technology or activity, including reducing call set up times, that can increase the speed of a TRS call so that these calls can move closer to the equivalent of a voice call. In addition, the Coalition urges the Commission not to ignore operational or other measures that may also, regardless of the technology in place, reduce the delay present in TRS calls. Reduction of call set up times is one such operational change that can improve the equivalency of TRS service and, thus, the Coalition urges the Commission to adopt call set up performance standards.

The Coalition continues to recommend that the Commission require prompt implementation of new, faster TTY protocols as soon as they are commercially available and have widespread use among TTY users.

The majority of comments submitted regarding certification of TRS providers support the establishment of a federal certification program for TRS providers. Some comments suggest that such a federal program is needed to cover services or providers not covered by state oversight.

In addition, the establishment of a federal program will encourage the market entry of interstate TRS providers and provide a uniform, national standard of service quality. Therefore, the Coalition continues to strongly urge the Commission to establish a federal TRS certification program to ensure quality provision of TRS

The Comments elicited in response to the NPRM's inquiry on the need for a national outreach program provide overwhelming support for such a program. Virtually all commenters on the issue documented the need for a national outreach program, supported the Commission's authority to implement such a program, and provided useful insights into how the program could be administered and funded.

For example, CSD notes the small amount of TRS users and the continued hang ups on relay calls. In fact, hang ups on relay calls were a prevailing theme in many of the comments. Despite all the wonderful advancements in regard to TRS, the success of TRS still depends on one vital factor -- the party on the other end of the call accepting the call. Unfortunately, however, public awareness of TRS continues to lag far behind the other advances made in regard to TRS. This lack of awareness is not limited to the general public, but also includes the hard-of-hearing community, which is the population segment TRS is designed to help. Thus, despite the Commission's exhortations for carriers voluntarily to engage in outreach, this outreach is not taking place in a sufficient manner.

Outreach, when implemented correctly, can work. In addition to the success of the Maryland program that we documented in our initial Comments, the Florida Telecommunications Relay program ("FTRI") documents the development of its outreach efforts. Specifically, FTRI noted that after it implemented an "aggressive outreach program" that involved printed materials, presentations, and other media products, and focused on both

businesses and individuals, it found increases in consumer awareness of various programs, and significant increases in some areas such as 711 awareness among those over 55. Thus, state programs demonstrate that outreach can, and does, work. Nonetheless, the Commission cannot rely solely on state programs and must not allow state borders to establish communications gaps.

Some comments urge a greater role for the states. The Coalition agrees, but urge that it is critical that the states' role not undermine the national nature of the program. For instance, the Coalition strongly opposes the California PUC's suggestion of allocating the national funds to state programs to conduct the outreach program. Likewise deferring to relay providers for implementation will not serve to reduce uncertainty regarding outreach. With more and more providers appearing, it will be difficult, if not impossible, to monitor the efforts of relay providers in regard to outreach.

There is also significant support for the authority of this Commission to implement a national outreach program under the aegis of the Interstate TRS Fund and funded by that fund.. Outreach funding authority is derived from the same authority that lets the Commission fund the reasonable administrative costs of the TRS Fund Administrator. The strong support for such a program undercuts AT&T's argument that parties in favor of national outreach face a substantial burden in justifying such regulation. AT&T does not provide any legal support for its argument, and its suggestion that a national outreach program will lead to more regulation and dampen technological innovation is also unsupported and invalid.

The Coalition agrees with MCI that the Commission should modify its rules and appoint an agent in regard to outreach. NECA or the TRS Fund Administrator, however, obviously have many items on their plates, so their role needs to be supplemented with input from state commissions, state relay programs, relay providers, carriers, and most importantly TRS

consumers. As numerous comments noted, the Commission has the authority to require that non-TRS providers be reimbursed for outreach efforts, and the Commission should seize upon this authority to facilitate an inclusive outreach effort.

Another area of strong agreement among comments is that if a national outreach program is implemented, it cannot be a cursory effort. The Coalition agrees with CSD's statement that a blanket effort is needed with a concurrent focus on television, print, and collateral media. The Coalition disagrees with the statement of the CA PUC that the Commission should not prescribe certain outreach efforts. If history demonstrates that certain efforts are more successful than others, the Commission should most definitely prescribe them; however, the Commission should also allow some flexibility such that other creative outreach efforts are encouraged.

While the Coalition bemoans the Commission's failure to move forward on outreach, it appreciates the Commission's continued interest in examining the issue. Successive rounds of comments in this proceeding have demonstrated the need for outreach, the success of outreach where implemented, the Commission's authority to implement a national outreach program, ways to fund outreach, and methods for successful outreach. The Commission now has a more-than-complete record with which to move forward. The time for national outreach is now.

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Key to Abbreviations In Reply Comments

AT&T Corp.	AT&T
AT&T Wireless	AT&T Wireless
Communications Services for the Deaf	CSD
Florida Telecommunications Relay, Inc.	FTRI
Hamilton Relay, Inc.	Hamilton
Hands On Video Relay Services, Inc.	HOVRS
Iowa Utilities Board	IUB
Missouri Public Service Commission	Missouri
National Exchange Carriers Association	NECA
Relay Nevada	Relay Nevada
SBC Communications, Inc.	SBC
Sorenson Media, Inc.	Sorenson
Sprint Corporation	Sprint
Verizon	Verizon
Verizon Wireless	Verizon Wireless
WorldCom, Inc. d/b/a MCI	MCI

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ASSOCIATION OF LATE-DEAFENED ADULTS, AND
SELF HELP FOR HARD OF HEARING PEOPLE**

Telecommunications for the Deaf, Inc. (“TDI”), American Association of People With Disabilities (“AAPD”), National Association of the Deaf (“NAD”), Deaf & Hard of Hearing Consumer Advocacy Network (“DHHCAN”), Association of Late-Deafened Adults (“ALDA”), and Self Help for Hard of Hearing People (“SHHH”) (collectively the “Coalition”) submit their Reply Comments regarding the Commission’s Notice of Proposed Rulemaking.¹

¹ *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Americans with Disabilities Act of 1990*, CC Docket No. 98-67, CG Docket No. 03-123, Second Report and Order, Order on Reconsideration and Notice of Proposed Rulemaking, FCC 03-112 (June 17, 2003) (“*TRS NPRM*”).

I. NATIONAL SECURITY/EMERGENCY PREPAREDNESS PRIORITY

There is virtually unanimous support among the comments for placing TRS on at least the same National Security and Emergency Preparedness (“NS/EP”) priority as that applied to local exchange carriers (“LECs”) or other telecommunications services available to the general public. The comments recognize that TRS often is the only means of communication between persons with hearing or speech disabilities and emergency services, and that functional equivalency requires that TRS be granted a NS/EP priority status equivalent to those of LEC or general public telecommunications services.² Granting such priority status will better assure that millions of deaf, hard of hearing, deaf/blind or speech impaired persons are not completely cut off in the event of an emergency.

Opposition to granting NS/EP priority to TRS was expressed in only one set of comments. In those comments, Verizon does not oppose the need to restore TRS communications in the event of an emergency nor does it deny that granting NS/EP priority to TRS is required by the goal of functional equivalency. Instead Verizon simply notes its views that the Commission’s proposal is confusing and does not provide proper guidance to carriers. To the extent such further guidance is necessary, it can be provided through operational plans developed by TRS providers and state TRS regulators, state regulators and emergency agencies, and the rules promulgated by the Commission. The Commission thus should require the granting of at least the same NS/EP priority to TRS as that of LEC or other telecommunications services available to the general public.

² See e.g., Hamilton Comments at 2; Sprint Comments at 1.

II. SECURITY OF IP RELAY CALLS

The Coalition notes that this seems to be an area where current efforts are working, and additional regulation may dampen technological innovation. For instance, both Sprint and MCI use 128 bit encryption on their IP relay service, and this mirrors the same level of encryption used for commercial transactions over the Internet.³ Mandating security requirements may result in these requirements soon becoming obsolete given the rapid pace of technological advances in this area, thereby necessitating continued Commission review. Moreover, it appears from the record that many TRS users actually prefer flexibility in regard to security levels and that currently vendors offers various levels of security.⁴ For example, a user that favors a higher level of security can seek out a particular vendor, while another user that favors more seamless access may favor a lower level of security.⁵ Thus, at this time, and consistent with its treatment of nascent technologies, the Commission should encourage improved options and provide flexibility for vendors to meet the current and future needs of their users.

III. ROUTING WIRELESS TRS CALLS TO THE APPROPRIATE PSAP

Several comments allege that it is currently not technically feasible to route emergency TRS calls to the same Public Safety Answering Point (“PSAP”) that would receive the call if it were placed directly by a wireless carrier.⁶ These comments also note that such a requirement is not necessary because PSAPs are already required to handle TTY calls.⁷ The Coalition asserts that the appropriate routing of emergency TRS calls is not currently feasible because TRS providers, wireless carriers and PSAPs are not currently required to provide such routing. Were the Commission to require all interested parties to work together to develop appropriate

³ Sprint Comments at 2; MCI Comments at 4.

⁴ CA PUC Comments at 5.

⁵ CA PUC Comments at 5.

⁶ See AT&T Wireless Comments at 5-6; Sprint Comments at 3, 5-6; Verizon Comments at 9-10.

technology to enable the routing of emergency TRS calls to the relevant PSAP, it is possible that the industry would be able to do so. Functional equivalency mandates that this effort be made.

As Hamilton Relay, Inc. (“Hamilton”) noted, wireless carriers are not currently required to provide Phase I or Phase II E911 location information to TRS providers.⁸ Thus, at a minimum, wireless carriers should be required to provide E911 information to TRS providers. Wireless carriers are already required to provide this information to PSAPs, either through network-based technology or hand-set based technology (such as GPS-enabled handsets).⁹ Therefore, wireless carriers should already have in place the capability to provide E911 location information to TRS providers and doing so should not present significant technical obstacles for wireless carriers. To the extent it would be necessary for TRS providers to modify their equipment in order to receive E911 information from wireless carriers, they should be required to do so. Such a requirement does not appear to present insurmountable technical or operational implementation problems and, more importantly, it would help ensure that emergency TRS service is functionally equivalent to wireline or wireless emergency voice service.

Reliance upon the belief that all PSAPs are TTY capable, as the comments suggest, does not solve the problem. First, unless every PSAP includes this functionality, a person with a hearing or speech disability cannot be certain that dialing 911 will in every instance connect them with a PSAP that is TTY capable or that will be located in sufficient proximity to the caller to provide prompt emergency service. On the other hand, hearing and speaking callers placing an emergency call from a wireline or a wireless telephone can be fairly confident that their call will be answered by a PSAP that can both handle the call and promptly dispatch appropriate

⁷ Sprint Comments at 7; Verizon Comments at 9-10.

⁸ Hamilton Comments at 3.

⁹ See 47 C.F.R. § 21.18.

emergency personnel from a location in close proximity to the caller. Second, while most, if not all, users of voice telephone services are familiar with 911, many people with speech or hearing disabilities are accustomed to dialing 711 in every instance to reach a TRS provider to place a call. Finally, the inherent delay of TTY service and the fact that it requires manual input by the caller create the potential for delay and miscommunication in the event of an emergency. These obstacles would not exist if E911 information is automatically transmitted from the deaf caller to either the TRS provider or the PSAP.

IV. NON-SHARED LANGUAGE TRANSLATION

The Coalition urges the Commission to require non-shared language translation and to reject arguments that it is not a functionally equivalent service. Specifically, AT&T, IUB, and Verizon fail to recognize that most TRS users do not currently “share” the same language.¹⁰ Many people requiring the use of TRS communicate with American Sign Language (“ASL”) and not with English, Spanish, or any other spoken language.¹¹ As HOVRS stated, a “shared language” does not exist when using ASL in combination with a spoken language.¹² Therefore, the Commission should allow TRS translation for ASL or English to a non-English language or between non-shared languages generally.

Moreover, a significant need arises for Spanish TRS translation because of the country’s large Hispanic population. As CSD acknowledged, Spanish is the second most widely spoken language in the United States, and its use by businesses and governments is increasing.¹³ Sprint

¹⁰ AT&T Comments at 7; IUB Comments at 3; Verizon Comments at 13.

¹¹ CSD Comments at 3; Sprint Comments at 8; HOVRS Comments at 4.

¹² HOVRS Comments at 4.

¹³ CSD Comments at 4.

also stated that most requests for non-English TRS also require translation and specifically used Spanish as an example.¹⁴

The Commission should additionally reimburse non-shared language translation service under the Interstate TRS Fund. Sprint noted that translation service costs would not appreciably impact the size of the TRS fund or the payments by Carriers.¹⁵

V. COMMUNICATION ACCESS REAL-TIME TRANSLATION

As outlined in our original comments, because the lag inherent in TRS calls can act as an impediment to the more widespread use of TRS and the fuller integration of TRS users, particularly in business settings, the need to increase the speed and effectiveness of TRS and, in turn, its functional equivalence, is evident. One of the potential solutions to this lag problem is the use of Communications Access Real-time Translation (“CART”), a system in which a stenographer types speech verbatim at a significantly higher speed than with traditional TRS.

Some comments raise questions with regard to requiring the provision of CART services to speed TRS calls or as to the effectiveness of CART. For example, some comments speculate that anticipated advances in other technologies such as voice recognition or voice-to-text (“VTT”) eventually may prove more effective than CART, or that CART is more effective in certain situations than others.¹⁶ However, the Coalition concurs with those others who urge the Commission to require that where a service such as CART is technically feasible and makes TRS more functionally equivalent, it should be utilized.¹⁷

¹⁴ Sprint Comments at 9.

¹⁵ *Id.* at 8.

¹⁶ See e.g., Hamilton Comments at 4; Sprint Comments at 12.

¹⁷ See e.g., IUB Comments at 3.

The Coalition believes that because CART does provide an increase in the real-time nature of TRS calls, the Commission should encourage the use of CART as well as future technologies designed to do the same.

VI. INTERRUPT FUNCTIONALITY

The comments generally agree interrupt functionality should be made accessible where technically available. The service allows TRS users to hold a more “conversational” dialogue and is particularly helpful in business settings.¹⁸ The Coalition recognizes that not all current TTY protocols, for example, the Baudot protocol, are technically compatible with interrupt functionality. Thus, the Coalition recommends that the Commission require interrupt functionality where it is technically feasible.

VII. FEATURES

The Commission should require that TRS users have access to the full range of telecommunications features unless a particular feature is not technically feasible.¹⁹ For instance, Sprint and Hamilton indicate that TRS providers face certain barriers to offering automatic call-back (*69).²⁰ Sprint argues TRS providers would have to build a database in order to provide the numbers, while Hamilton states that a TRS user would have to go through the relay center to use the service. Thus, the Coalition suggests that the Commission further consider whether these barriers are technical or whether TRS providers require additional information from LECs to use the feature. Hamilton asserts that LECs would have to make voice announcements of phone numbers accessible via TTY to offer automatic call-back.²¹ LECs

¹⁸ TDI Comments at 11.

¹⁹ IUB Comments at 3; HOVRS Comments at 6; AT&T Comments at 12; Hamilton Comments at 5.

²⁰ Sprint Comments at 14; Hamilton Comments at 6.

²¹ Hamilton Comments at 6.

should be required to take those actions that are technically feasible to promote access to the full range of telecommunications features.

VIII. SPEED OF A TRS CALL

Several comments urge the Commission not to impose specific call set-up performance measurements.²² These comments assert that TRS providers have sufficient economic incentives to reduce set up times and therefore, no further mandates are necessary. The Coalition reiterates their request that the Commission encourage any technology or activity, including reducing call set up times, that can increase the speed of a TRS call.

As noted in its initial comments (at p. 12), the Coalition favors the implementation any technology that can increase the speed of TRS calls so that these calls can move closer to the equivalent of a voice call. Nonetheless, the Commission should not ignore operational or other measures that may also, regardless of the technology in place, reduce the delay present in TRS calls. Reduction of call set up times is one such operational change that can improve the equivalency of TRS service and, in order to ensure that providers implement such reductions, the Commission should adopt call set up performance standards.

Contrary to the comments filed by other parties, specific call set up performance measures would not be difficult to determine or monitor. For example, the Commission could reasonably determine the average set up time and require that a certain percentage of all call set ups be completed in a shorter time than this average. This approach would alleviate the concern expressed in the comments that each TRS call may have different set up requirements that could increase or decrease the normal set up time. Similarly, this approach would also take into

²² AT&T Comments at 10; CSD Comments at 6-7; Sprint Comments at 10-11.

account the fact that TRS providers may have, as a result of greater numbers of personnel, newer technology or greater resources, different standard call set up times.

Alternatively, the Commission could, based upon a review of the most common types of call set up required by TRS users, develop specific set up time periods for these types of calls more general requirements for all other types of call set up. Such an approach would not require the Commission to review every possible set up alternative or consider every possible end user set up request, as erroneously suggested in some comments. Instead, it would enable the Commission to establish a reasonable standard that would easily apply to the vast majority of TRS calls and to which most providers could comply.

In any event, the specific standard to be applied by the Commission is not as important as a general requirement that TRS providers utilize all reasonable means to improve the speed of TRS service. The Commission should not reject any proposal that may help to make TRS more equivalent to voice communications.

IX. TTY PROTOCOLS

The Coalition continues to recommend that the Commission require prompt implementation of new, faster TTY protocols as soon as they are commercially available and have widespread use among TTY users. Sprint submitted comments noting that newer protocols such as the v.18 and v.21 modem protocols could be an improvement over current protocols, but that they were yet to be widely adopted. To the extent feasible, the Commission should encourage the adoption of these newer protocols to speed TTY-to-TTY communications.

X. CERTIFICATION PROCESS FOR TRS PROVIDERS

The majority of comments submitted on this topic support the establishment of a federal certification program for TRS providers. Some comments suggest that such a federal program is

needed to cover services or providers not covered by state oversight.²³ Such a gap in coverage exists for TRS providers providing interstate TRS but not affiliated with a particular state plan and for providers offering services such as IP relay or VRS funded solely through the Interstate TRS fund. Establishment of a federal program will encourage the market entry of interstate TRS providers and provide a uniform, national standard of service quality.

Although Sprint argued in its comments that creation of a federal TRS certification program could severely strain the Commission's resources.²⁴ The Coalition believes that such a strain is unlikely, given the Commission's extensive experience with licensing and certification programs and the likely fees generated as the result of a federal TRS certification program. Moreover, such a program need not place undue additional administrative burdens on TRS providers already certified by a state program. The Coalition continues to strongly urge the Commission to establish a federal TRS certification program to ensure quality provision of TRS

XI. NATIONAL OUTREACH

The comments elicited in response to the NPRM's inquiry on the need for a national outreach program provide overwhelming support for such a program. Virtually all parties submitting initial comments on the issue documented the need for a national outreach program, supported the Commission's authority to implement such a program, and provided useful insights into how the program could be administered and funded. Not surprisingly there was some difference of opinion on the last issue, but the general consensus remains that the Commission should move forward in regard to establishing such a program. The wonderful facets and features of TRS addressed in the preceding sections are being undercut by a lack of

²³ See e.g., Hamilton Comments at 8-9; HOVRS Comments at 13.

²⁴ See Sprint Comments at 18.

awareness about TRS. The Commission must take immediate action to rectify the lack of awareness.

Numerous comments likewise document the need for national outreach. For example, CSD notes the small amount of TRS users and the continued hang ups on relay calls.²⁵ In fact, hang ups on relay calls were a prevailing theme in many of the comments.²⁶ Despite all the wonderful advancements in regard to TRS, the success of TRS still depends on one vital factor - the party on the other end of the call accepting the call. Without awareness of TRS, the called party will confuse the call with a telemarketing call and exercise his/her reflexive action of hanging up. Thus, the communication TRS was designed to facilitate never materializes. Public awareness of TRS continues to lag far behind the other advances made in regard to TRS.²⁷ This lack of awareness is not limited to the general public, but also includes the hard-of-hearing community, which is the population segment TRS is designed to help.²⁸ The record clearly demonstrates that despite the Commission's exhortations for carriers voluntarily to engage in outreach, this outreach is not taking place in a sufficient manner.

Outreach, when implemented correctly, can work. In addition to the success of the Maryland program that we documented in our initial Comments, the Florida Telecommunications Relay program ("FTRI") documents its outreach efforts. Initially, FTRI similarly relied upon its relay providers to provide outreach, but this proved to be insufficient.²⁹ So FTRI implemented an "aggressive outreach program" that involved printed materials,

²⁵ CSD Comments at 13.

²⁶ See IUB Comments at 4; Sprint Comments at 17; HOVRS Comments at 7; Florida Comments at 3; MCI Comments at 11.

²⁷ See IUB Comments at 4; Sprint Comments at 17.

²⁸ HOVRS Comments at 6.

²⁹ FTRI Comments at 2.

presentations, and other media products, and focused on both businesses and individuals.³⁰ FTRI conducted three separate surveys to gauge the success of the program, and it found increases in consumer awareness of various programs, and significant increases in some areas such as 711 awareness among those over 55.³¹

Thus, state programs demonstrate that outreach can, and does, work. The Commission cannot rely on state programs, however. There are but a few successful programs such as Florida and Maryland, and there are numerous stories of other states where outreach efforts are minimal.³² After finding ways to bridge communication gaps, the Commission should not allow state borders to reimpose these gaps.

There is also significant support for the authority of this Commission to implement a national outreach program.³³ As CSD notes, outreach is a component of relay services, and thus the Commission can implement an outreach program to advance relay services. Verizon notes that a national outreach program would fall under the Commission's general authority pursuant to Section 225 of the Act.³⁴ Outreach funding authority is derived from the same authority that lets the Commission fund the reasonable administrative costs of the TRS Fund Administrator.³⁵ In fact, the Commission already implemented an outreach program in regard to 711 access.³⁶

While the consensus of the comments dissipates slightly in regard to the vehicle for outreach, and funding, there is strong sentiment for the a national outreach program under the

³⁰ FTRI Comments at 2.

³¹ FTRI Comments at 3.

³² See CSD Comments at 9.

³³ CSD Comments at 10; Verizon at 11; MCI Comments at 11; NECA Comments at 2.

³⁴ Verizon Comments at 11.

³⁵ Verizon Comments at 11.

³⁶ CSD Comments at 13; Verizon Comments at 11.

aegis of the Interstate TRS Fund and funded by that fund.³⁷ This strong support undercuts AT&T's argument that parties in favor of national outreach face a substantial burden in justifying such regulation. AT&T does not provide any legal support for its argument, and its suggestion that a national outreach program will lead to more regulation and dampen technological innovation is also unsupported and invalid. Yes, carriers will face more requirements, but it is telling that some of the strongest proponents of a national outreach program are carriers such as Verizon, Sprint and MCI. These carriers realize that they will benefit economically from a more vibrant TRS. Moreover, the responsibility for implementing outreach will not fall on one party but will encompass carriers, government agencies, the media, and the general public. Finally, technological innovation without outreach is useless. The public needs to be aware of the technology to use it.

Some comments urge a greater role for the states. The Coalition agrees, but urge that it is critical that the states' role not undermine the national nature of the program. For instance, the California PUC suggests allocating the national funds to state programs to conduct the outreach program.³⁸ The Coalition strongly opposes such suggestion and fear that the same factors that led to the current unevenness in state outreach efforts will continue to plague such an approach. Likewise deferring to relay providers for implementation will not serve to reduce uncertainty regarding outreach. With more and more providers appearing, it will be difficult, if not impossible, to monitor the efforts of relay providers in regard to outreach. The Florida experience demonstrates that relying solely on relay providers is not sufficient.

³⁷ CSD Comments at 4; Verizon Comments at 11; Sprint Comments at 17; MCI Comments at 11; NECA Comments at 2.

³⁸ CA PUC Comments at 11.

The Commission does not need to search long to find an adept administrator. The TRS Fund Administrator or NECA itself are entities quite in tune with how to administer TRS programs on a national level, and to ensure that programs are adequately funded. The Coalition agrees with MCI that the Commission should modify its rules and appoint an agent in regard to outreach. NECA or the TRS Fund Administrator, however, obviously have many items on their plates, so their role needs to be supplemented with input from state commissions, state relay programs, relay providers, carriers, and most importantly TRS consumers. As numerous comments noted, the Commission has the authority to require that non-TRS providers be reimbursed for outreach efforts,³⁹ and the Commission should seize upon this authority to facilitate an inclusive outreach effort.

Another area of strong agreement among comments is that if a national outreach program is implemented, it cannot be a cursory effort. The Coalition agrees with CSD's statement that a blanket effort is needed with a concurrent focus on television, print, and collateral media.⁴⁰ The Coalition disagrees with the statement of the CA PUC that the Commission should not prescribe certain outreach efforts.⁴¹ If history demonstrates that certain efforts are more successful than others, the Commission should most definitely prescribe them. For instance, FTRI implemented a very successful business partner program. When a business signs up, it gets a kit that contains printed and video materials that can be used to educate its employees about TRS. This program has reached over 1,300 businesses and 248,000 employees.⁴² TV ads and bill inserts also have proven to be very effective.⁴³ Thus, the Commission should require that at a minimum such

³⁹ CA PUC Comments at 11; NECA Comments at 2.

⁴⁰ CSD Comments at 11.

⁴¹ CA PUC Comments at 11.

⁴² FTRI Comments at 3.

⁴³ FTRI Comments at 4.

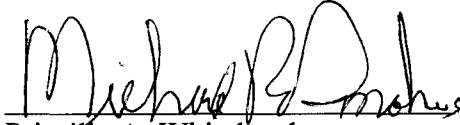
efforts should be used. The Commission should, however, allow some flexibility such that other creative outreach efforts are encouraged.

While the Coalition bemoans the Commission's failure to move forward on outreach, it appreciates the Commission's continued interest in examining the issue. The time for examination and contemplation has passed, however. Successive rounds of comments in this proceeding have demonstrated the need for outreach, the success of outreach where implemented, the Commission's authority to implement a national outreach program, ways to fund outreach, and methods for successful outreach. The Commission now has a more-than-complete record with which to move forward. The time for national outreach is now.

XII. CONCLUSION

The Coalition urges the Commission to implement new rules regarding TRS in line with the foregoing recommendations.

Respectfully submitted,



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